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9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

11 In re
12 THE LITIGATION PRACTICE GROUP P.C.,
13 Debtor.

Case No. 8:23-bk-10571-SC
Chapter 11
Adv. No. 8:25-ap-01090-SC

14 RICHARD A. MARSHACK, Trustee of the
15 LPG Liquidation Trust,
16 Plaintiff,

DECLARATION IN SUPPORT OF
REQUEST FOR CLERK TO ENTER
DEFAULT UNDER LBR-7055-1(A) RE:
DEFENDANT ZOOM VIDEO
COMMUNICATIONS INC.

17 v.

[REQUEST FOR ENTRY OF DEFAULT
FILED CONCURRENTLY HEREWITH]

18
19 ZOOM VIDEO COMMUNICATIONS INC., a
Delaware Corporation and DOES 1 through 20,
20 inclusive,

[NO HEARING REQUIRED. LBR 9013-
1(p)]

21 Defendants.
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Declaration of Chad V. Haes

I, CHAD V. HAES, declare as follows:

1. I am an individual over 18 years of age and competent to make this Declaration.

2. If called upon to do so, I could and would competently testify as to the facts set forth in this Declaration.

3. The facts set forth below are true of my personal knowledge.

4. I am an attorney at law duly admitted to practice before this Court and all courts of the State of California.

5. I am of counsel in the law firm of Marshack Hays Wood LLP, attorneys of record for the Richard A. Marshack, solely in his capacity as Trustee of the LPG Liquidation Trust ("Trustee" or "Plaintiff").

6. I reviewed the docket in this adversary proceeding prior to execution of this Declaration to refresh my memory as to the dates on which particular documents were filed.

7. I make this declaration in support of the Request for Entry of Default ("Request") re: Defendant, Zoom Video Communications Inc., a Delaware Corporation ("Defendant") filed concurrently, pursuant to Local Bankruptcy Rule 7055-1(a), which provides that "A request for the clerk to enter default must be supported by a declaration establishing the elements required by F.R.Civ.P. 55(a), as incorporated into FRBP 7055, and a proof of service on the defaulting party."

8. Federal Rule of Civil Procedure 55(a) provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to please or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

9. Taken together, LBR 7055-1 and F.R.Civ.P. 55(a) require that a Request for Entry of Default be accompanied by a declaration establishing that the party against whom entry of default is sought has failed to plead or otherwise defend in the case.

10. On March 20, 2023, the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the United States Code, initiating bankruptcy Case No. 8:23-bk-10571-SC in the United States Bankruptcy Court for the Central District of California, Santa Ana Division.

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1 11. Richard A. Marshack (previously defined as “Trustee” or “Plaintiff”) was the duly-
2 appointed, qualified, and acting Chapter 11 Trustee for the Debtor’s bankruptcy estate (“Estate”).
3 Pursuant to the confirmed Plan, the Trustee now serves as Trustee of the LPG Liquidation Trust,
4 which now owns all of the litigation claims, including the Estate’s avoidance actions.

5 12. On March 7, 2025, my office, on behalf of the Trustee, filed a Complaint for:
6 (1) Avoidance, Recovery, and Preservation of Unauthorized Post-Petition Transfers [11 U.S.C.
7 §§ 549, 550, and 551]; and (2) Disallowance of Claims Held by Defendant [11 U.S.C. § 502(d)]
8 (“Complaint”) against Defendant Zoom Video Communications Inc.

9 13. On March 10, 2025, as Docket No. 3, the Court issued a Summons and Notice of
10 Status Conference (“Summons”).

11 14. On March 17, 2025, my office served the Complaint along with the Summons on
12 Defendant. A true and correct copy of the conformed executed Summons is attached to the Request,
13 which is being filed concurrently herewith.

14 15. The last day for Defendant to have filed and served a responsive pleading to the
15 Complaint was April 9, 2025.

16 16. As of drafting this Declaration, I have not received any responsive pleadings to the
17 Complaint.

18 17. I have also reviewed the PACER docket for this adversary proceeding and did not see
19 any responsive pleadings filed by Defendant.

20 18. Defendant has failed to plead or otherwise defend in this adversary proceeding.

21 I declare under penalty of perjury that the foregoing is true and correct. Executed on
22 April 14, 2025.

23 /s/ Chad V. Haes

24 CHAD V. HAES
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION IN SUPPORT OF REQUEST FOR CLERK TO ENTER DEFAULT UNDER LBR-7055-1(A) RE: DEFENDANT ZOOM VIDEO COMMUNICATIONS INC.** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **April 14, 2025**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- ATTORNEYS FOR PLAINTIFF: Aaron E. De Leest adeleest@marshackhays.com, adeleest@marshackhays.com, alinares@ecf.courtdrive.com
 - ATTORNEYS FOR PLAINTIFF: Chad V Haes chaes@marshackhays.com, chaes@ecf.courtdrive.com; cmendoza@ecf.courtdrive.com; cmendoza@marshackhays.com; alinares@ecf.courtdrive.com
 - ATTORNEYS FOR PLAINTIFF: D Edward Hays ehays@marshackhays.com, ehays@ecf.courtdrive.com; alinares@ecf.courtdrive.com; cmendoza@marshackhays.com; cmendoza@ecf.courtdrive.com
 - PLAINTIFF: Richard A Marshack (TR) pkraus@marshackhays.com, ecf.alert+Marshack@titlexi.com
 - U.S. TRUSTEE: United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
- ☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **April 14, 2025**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEFENDANT

Zoom Video Communications, Inc.
c/o Cheree McAlpine, Chief Legal Officer
Attn: General Counsel, CEO, or Officer,
Managing or General Agent, or any Other
Agent Authorized to Receive Service
of Process
55 Almaden Blvd Ste 600
San Jose, CA, 95113-1612

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **April 14, 2025**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

HONORABLE SCOTT C. CLARKSON – VIA PERSONAL SERVICE

United States Bankruptcy Court
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 14, 2025
Date

Chanel Mendoza
Printed Name

/s/ Chanel Mendoza
Signature